

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) GARY RIGGS, JR.,)	
)	
Plaintiff,)	
)	
v.)	Case No. <u>CIV-17-580-M</u>
)	(Formerly Oklahoma County
(1) FMC TECHNOLOGIES, INC.,)	Case No. CJ-2017-2513)
)	
Defendant.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1332, 1441 and 1446, Defendant, FMC Technologies, Inc. (“Defendant”), hereby removes this action from the District Court of Oklahoma County, Oklahoma, where it was filed as Case No. CJ-2017-2513, styled *Gary Riggs, Jr. v. FMC Technologies, Inc.*, to the United States District Court for the Western District of Oklahoma. As the grounds for removal, Defendant states as follows:

1. Plaintiff filed his Petition (“Plaintiff’s Petition”) in this matter on May 2, 2017, in the state court of Oklahoma County, Oklahoma, which is located within the Western District of Oklahoma.

2. Defendant was served with Summons on May 3, 2017. A copy of Plaintiff’s Petition is attached hereto as Exhibit “1,” and a copy of the Summons is attached hereto as Exhibit “2”.

3. This is a civil action over which this Court has original subject matter jurisdiction under the provisions of 28 U.S.C. § 1331. Pursuant to Plaintiff’s Petition, Plaintiff’s claims arise out of alleged violations of federal law that allegedly occurred

during his employment by Defendant. Specifically, Plaintiff's Petition alleges that Defendant violated Title VII of the Civil Rights Act and 42 U.S.C. § 1981. *See* Petition, ¶ 1. Therefore, this Court has jurisdiction under 28 U.S.C. § 1331, and this action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a).

4. In addition, this action may be removed to this Court pursuant to 28 U.S.C. § 1332(a)(1) based on diversity of citizenship. Plaintiff is presently domiciled in Cleveland County, Oklahoma, and was domiciled there at the time this action was commenced. Defendant, both currently and at the time this action was commenced, is incorporated in Delaware, is domiciled in Houston, Texas, and has its principal place of business in Houston, Texas. *See* 28 U.S.C. § 1332(c). *See also* Declaration of Jeffrey Palmer, attached to this Notice at Exhibit 7. Thus, there is diversity of citizenship between Plaintiff and Defendant. *See Hertz Corp. v. Friend*, 130 S. Ct. 1181, 1193-95 (2010).

5. Plaintiff has brought claims against Defendant alleging that his employment was unlawfully terminated. Plaintiff claims he is entitled to past and future lost earning and "compensatory damages, including, but not limited to, pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, which amounts to the statutory maximum of \$300,000.00." Plaintiff also seeks punitive damages, attorneys' fees, and costs. *See* Petition, ¶¶ 18-21. Therefore, Plaintiff's Petition establishes that the total amount in controversy exceeds the minimum jurisdictional limits of this Court.

6. Because this action is wholly between citizens of different states, and because the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, this Court has original jurisdiction over this cause pursuant to 28 U.S.C. § 1332(a)(1).

7. This Notice of Removal is timely because it is filed within thirty (30) days from the date Defendant received a copy of the Petition. *See* 28 U.S.C. § 1446(b).

8. As required by 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal is being filed this day with the Clerk of the District Court of Oklahoma County, Oklahoma.

9. In accordance with LCvR 81.2, Fed. R. Civ. P. 81 and 28 U.S.C. § 1446(a), copies of all process and pleadings previously served upon Defendant, including a copy of the state court docket sheet, are attached hereto as Exhibits “1” through “6”.

10. There are no motions pending before the Oklahoma County District Court in this matter, nor are any hearings currently set.

WHEREFORE, Defendant respectfully removes this action to this Court.

Respectfully submitted,

/s/ Joshua W. Solberg

JOSHUA W. SOLBERG, OBA #22308
MCAFEE & TAFT A PROFESSIONAL CORPORATION
Tenth Floor, Two Leadership Square
211 North Robinson Avenue
Oklahoma City, Oklahoma 73102-7103
Telephone: (405) 235-9621
Facsimile: (405) 235-0439
josh.solberg@mcafeetaft.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2017, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing and deposited a copy in the U.S. mail, postage prepaid, to the following registrants:

D. Colby Addison, Esq.
LAIRD HAMMONS LAIRD, PLLC
1332 S.W. 89th St.
Oklahoma City, OK 73159
colby@lhllaw.com
Attorney for Plaintiff

/s/ Joshua W. Solberg
JOSHUA W. SOLBERG